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13 *Indenture of Trust dated August 4, 1980*

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 Ralph Korte Revocable Indenture of Trust  
17 dated August 4, 1980;

18 Plaintiff,

19 v.

20 D & R Partners, LLC, a Nevada limited  
21 liability company;

22 Defendant.

CASE NO. 2:11-cv-01077-PMP-GWF

23 ORDER GRANTING  
24 PETITION FOR APPOINTMENT  
25 OF RECEIVER

26 Having examined the Petition for Appointment of Receiver of Plaintiff Ralph Korte  
27 Revocable Indenture of Trust dated August 4, 1980 (the "Korte Trust" or "Lender"), having heard  
28 oral argument from counsel for the parties on July 12, 2011, and for good cause appearing, this  
Court enters is Order Granting Petition for Appointment of Receiver as follows.

**ORDER**

**IT IS HEREBY ORDERED** that the Korte Trust's Petition for Appointment of Receiver is **GRANTED**.

**IT IS FURTHER ORDERED** that Cordes & Company is immediately appointed as the Receiver in charge of managing the property identified in the Deed of Trust (the "Property").

**IT IS FURTHER ORDERED** that Cordes & Company is authorized as Receiver to:

- a. Conserve, preserve, protect, and manage the Korte Trust's security;
- b. Collect Rents and Profits as they become due and payable;
- c. Dispose of the security when appropriate; and
- d. Distribute the lease and sale proceeds as appropriate.

**IT IS FURTHER ORDERED** that D & R Partners, LLC, and anyone acting for D & R Partners, LLC who does not have valid rights in the Property or any portion thereof, is hereby prohibited from:

- a. possession of the Property, or any portion thereof;
- b. collecting any Rents or Profits due;
- c. selling, assigning, conveying, transferring, encumbering, or delivering any of Korte Trust's security to any other entity or person.

**IT IS FURTHER ORDERED** that Cordes & Company comply with any and all restrictions in the Note and Deed of Trust, or obtain written Lender approval, for actions undertaken in its role as Receiver.

**IT IS FURTHER ORDERED** that Cordes & Company may serve as Receiver without the need of filing or posting a bond.

**IT IS FURTHER ORDERED** that Cordes & Company shall be compensated for the performance of its services at the following hourly rates: Principals \$300 per hour; Sr. Professionals \$225 per hour; Professionals \$175 per hour; and Para-professional staff \$60-\$120 per hour. Cordes & Company shall also retain a third party management company for the day to day operations and shall compensate that company with a flat monthly fee of 2,250.00, subject to final approval by this Court. Cordes & Company shall submit quarterly invoices to this Court for

its review commencing on September 30, 2011, and continuing thereafter on the last business day of every third month until the Receivership is concluded.

**IT IS FURTHER ORDERED** that Cordes & Company may employ counsel and other professionals necessary to the Receivership, which counsel and other professionals may be paid from the receivership estate subject to the final approval of this Court.

DATED this \_20th day of July, 2011.



United States District Judge

Submitted by:

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